UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HELAYNE SEIDMAN,
Plaintiff,

- against -

REALDIRECT, INC.
Defendant.

Docket No. 17-cv-02145

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Helayne Seidman ("Seidman" or "Plaintiff") by and through her undersigned counsel, as and for her Complaint against Defendant RealDirect, Inc., ("RealDirect" or "Defendant") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of a copyrighted photograph of Jessica and Domenico Pellegrini, a Brooklyn couple, owned and registered by Seidman, a New York City-based photographer. Accordingly, Seidman seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq*.

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq*., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Seidman is a professional photographer in the business of licensing her photographs for a fee, having a usual place of business at 16 Saint Marks Place, Apt. 4B, New York, New York 10003. Seidman's photographs have appeared in many publications around the United States.

6. Upon information and belief, RealDirect is a corporation duly organized and existing under the laws of the State of Delaware, with a place of business at 19 West 21st Street, Suite 502, 2nd fl., New York, New York 10010. Upon information and belief, RealDirect is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, RealDirect has owned and operated a website at the following URL: www.realdirect.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photograph

7. On March 25, 2015, Seidman photographed Brooklyn couple Jessica and Domenico Pellegrini in their Brooklyn, New York condominium (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Seidman then licensed the Photograph to the New York Post. On March 25, 2015, the New York Post ran an article that featured the Photograph on its web edition entitled, *Greenpoint, get ready to get Williamsburg-ed*. See http://nypost.com/2015/03/25/finally-a-place-to-call-home-in-greenpoint-brooklyn/. Seidman's name was featured in a gutter credit identifying her as the photographer of the Photograph. A true and correct copy of the Photograph in the article is attached hereto as Exhibit B.

9. Seidman is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

10. The Photograph was registered with the U.S. Copyright Office and was given pending Copyright Registration Number 1-4041353211. See Exhibit C.

B. Defendant's Infringing Activities

11. Upon information and belief, on or about April 25, 2015, RealDirect ran an article on the Website entitled *Greenpoint, get ready to get Williamsburg-ed*. See https://www.realdirect.com/media_coverage/detail/102/greenpoint-get-ready-to-get-williamsburg-ed/. The article prominently featured the Photograph. A true and correct copy of the article is attached hereto as Exhibit D.

12. RealDirect did not license the Photograph from Plaintiff for its article, nor did RealDirect have Plaintiff's permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST REALDIRECT)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. RealDirect infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. RealDirect is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute an infringement of Plaintiff's copyright and exclusive rights under copyright, in violation of Sections 106 and 501 of the Copyright Act. 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the aforementioned acts of infringement by RealDirect have been willful, intentional and purposeful, in disregard of and with indifference to Plaintiff's rights.

17. As a direct and proximate cause of the Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover her damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

18. Defendant's conduct, described above, is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant RealDirect be adjudged to have infringed upon Plaintiff's copyright in the Photograph in violation of 17 U.S.C §§ 106 and 501;

2. That Plaintiff be awarded her actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;

3. That Defendant RealDirect be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;

4. That Plaintiff be awarded pre-judgment interest; and

5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: March 24, 2017
Valley Stream, New York

LIEBOWITZ LAW FIRM, PLLC

By: /s/ Kamanta C. Kettle

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